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Someone who claims he was mistreated in connection with his work because of a protected characteristic must prove (a) that he belongs to a protected class, (b) that he applied and was qualified for the job, (c) that he was rejected, and (d) that after his rejection

the employer continued to seek applicants from persons of complainant's qualifications. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973).

The entirety of Wilson's complaint is that he applied for jobs but was never hired. He does not show that he is qualified for the positions. He does not point to anyone who was similarly situated who was (a) treated better than he, and (b) who was of another race, color, sex, or religion. In fact, he does not show that the Department was even aware of his superficial characteristics. Because the complaint contains no indication of discrimination, Wilson has not stated a claim.

4. *History of Litigation.*

In the last seven years, Wilson has filed ten cases in the Western District of Texas and five in the Southern District of Texas. Each case is similarly devoid of a legitimate basis.

5. *Conclusion.*

The case will be dismissed because Wilson's complaint states no facts that indicate discrimination.

Signed on January 26, 2010, at Houston, Texas.



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Lynn N. Hughes  
United States District Judge